

staff needlessly or endlessly while the company got weak. We cannot do it in this country of ours.

So we face a very difficult task because people are feeling the squeeze on their incomes, concerned about job protection, concerned about being able to stay in their houses. We still face a lot of foreclosure possibilities for homeowners. They cannot educate their children, cannot take care of their health. We cannot say to them, as we used to say, that we know our children will do better in the future in their lives than we did in ours. We cannot say it and be honest about it. We do not know that is true. If we continue along the path we are on, we are going to be looking at fairly bleak things to tell our children about as they grow, if we do not work harder to balance the budget, educate our kids, make sure their health is good, with America being what it is always thought to be: a golden opportunity to bring your families up and make sure life is acceptable or better than they otherwise might have had.

Madam President, how is the time here?

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator used 9½ minutes.

Mr. LAUTENBERG. Madam President, I will take that half minute, and I ask unanimous consent that if I go over the half minute that I get 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I served in World War II a long time ago, but I have been around a long time. When I went into the Army—I enlisted when I was 18—my father was deathly ill with cancer. My mother was 37 years old. The prospects for life for our family were grim. I went to the Army. My father, with a condition, arranged with the recruiters that I would be allowed to stay home till my father passed away. He was 43 years old. My mother became a 37-year-old widow, and things were tough. Money was owed to doctors and pharmacists and hospitals.

Why do I talk about this now? It is because I was given the benefit, as were 8 million others who were in uniform, to get my college education. I went to Columbia University. It was so far distant from my vision when I graduated from high school and enlisted in the Army. It turned out to be the greatest generation America has ever seen. It was because the government intervened at the right time and made sure that education was abundantly available for those who could learn. That is what we ought to recall about America, and not this kind of a gloomy picture that says, OK, we are growing, but so are the threats to health and well-being.

#### EXTENSION OF MORNING BUSINESS

Mr. LAUTENBERG. Madam President, I ask unanimous consent to extend morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMERICA INVENTS ACT

Mr. HATCH. Madam President, before the Senate moves to final passage of the America Invents Act of 2011, I wish to express my unequivocal support for this bill. This is not a perfect bill, but the fact is it is going to be a very important occasion to pass this because we haven't passed a major piece of patent legislation for over 60 years or around that length of time. It has been a long time in the making, but it is well worth the effort to modernize our patent system. Despite modifications along the way, the bill retains its strength and ability to bring about true reform.

In considering our country's economic condition, the bill's passage could not come at a more opportune time. The America Invents Act is integral to creating jobs and spurring growth across all sectors of our country. After all, jobs and economic growth are crucial to maintaining our Nation's dominance in innovation and entrepreneurship.

I would like to briefly mention a few key provisions of the act that improve our outdated patent system. These include transitioning to a first-inventor-to-file system, which all the rest of the world has; allowing third parties to submit relevant prior art during patent prosecution; creating a patent quality-enhancing supplemental examination process; and instituting a post-grant review and an inter partes reexamination expansion. All of that is extremely important.

The bill provides fee-setting authority and addresses a long-felt need by the patent community and now by the majority of this body to end the practice—the obnoxious practice—of diverting fees from the U.S. Patent and Trademark Office. No wonder we have such a rough time getting things to work.

Finally, the legislation makes important clarifications to tax strategy patents and creates a pilot program to review already-issued business method patents.

This enumeration underscores a holistic approach that strikes the right

balance. I hope everyone in this Chamber recognizes what we are accomplishing. We have come together in a bipartisan fashion to invigorate some of our country's greatest strengths—our ideas and our inventive spirit.

Let me conclude my remarks by commending Senate Judiciary Committee chairman PAT LEAHY for his leadership and tenacity in moving this bill through the Senate. He deserves a lot of credit. His vision and tireless efforts have made today's vote a reality. Together, we have worked on patent reform legislation since 2006—and in reality, even earlier than that—passing the torch of leadership along the way. One time, I was chairman; he has been chairman. It is satisfying to see the time has finally come to pass this bill.

I would also like to acknowledge the hard work of our distinguished ranking member, CHUCK GRASSLEY. His unwavering support and commonsense approach have been invaluable in this process.

I wish to acknowledge the various staff members of Senator LEAHY, my staff, and Senator GRASSLEY's staff for the work they have done on this bill—very important. Likewise, contributions of the members of the Senate Judiciary Committee and other Members of this body have enriched our debate.

Finally, as I have said, I wish to thank our bill managers' staff for their sustained efforts throughout the process. Aaron Cooper, Bruce Cohen, Rita Lari Jochum, and Kolan Davis have been instrumental in getting us to this point. I also thank my own counsel, Matt Sandgren, who has done a terrific job on this bill for all these years we have been working on it, and Remy Yucel, my USPTO detailee, for her and Matt's commitment and perseverance over these many years. They have been a formidable team.

I also acknowledge the important work of Joe Matal, Sarah Beth Groshart, Tim Molino, and Curtis LeGeyt.

Madam President, passing the America Invents Act is the right thing to do, and I urge my colleagues to join in this monumental undertaking. It is the right thing to do, it will help our country, it is going to reestablish our patent laws in ways they should be, and it will stop the fee diversion that has been going on, assuming we can get help from the House as well, and I believe we will. It will be a bill that I think we will have to go to conference on and hopefully be able to perfect it even more. I am grateful for all who have been involved, and I hope and pray we can get this through both Houses of Congress and establish this monumental bill at a monumental time. It is very important in all our lives.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to extend morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, we have now almost a 9-percent unemployment rate in this country. I think the good news is that unemployment dropped to 8.9 percent, but it is still way too high. We have a \$1.6 trillion deficit. Yet, despite these enormous challenges, Congress still has not passed a Federal budget for this year. Our deadline to pass a 2011 appropriations bill was September 30 of last year, but Congress still has failed to meet that deadline. Last week, we passed our fifth short-term continuing resolution to keep the Government open.

At some point soon, I think maybe this evening, we are going to be voting on the House Republicans' package of budget cuts that I believe threaten our economic recovery. After moving on from that, we will still need to pass another continuing resolution by the end of next week in order to avoid a Government shutdown.

While we are debating these short-term continuing resolutions, in China and India and Germany, they are debating long-term investments in education, energy, technology, and research. Those are the decisions with the potential to shape the global economy for many decades to come. Meanwhile, here at home, we are fighting about whether we are going to keep the Government open for 2 weeks. This kind of short-term budgeting is not just hurting our future, it is hurting our economy today.

Just last week, I heard from a company in New Hampshire about the effects of Congress's failure to pass a full-year budget. The company is called Nitro Security and it is located in Portsmouth, NH. It is a company that is at the forefront of the emerging cyber security industry. Even in a difficult economy over the last couple years, they were named one of the 600 fastest growing private companies in the Nation. Yet, despite most of their business coming from the private sector, Nitro Security also has significant contracts protecting data systems at the Department of Defense, NASA, and even the Food and Drug Administration. They should be creating jobs and helping to get our economy moving again, but because Congress cannot conduct its business on time, their stalled contracts mean they have not

been able to hire new workers. We are missing out on these jobs because Washington's budget process is broken.

Congress needs to do better. In the last 30 years, Congress has only completed the annual budget process on time twice—just two times in the last 30 years. That is a 7-percent success rate. Solving our long-term deficit problems and reinvigorating our economy is going to require tough choices, but we are never going to be able to make these choices until we change the way Washington does business. That is why I joined Senator ISAISON in proposing the Biennial Budgeting and Appropriations Act, to bring sorely needed oversight and long-term planning to the Federal budget process. Our legislation would dedicate the first year of a Congress to appropriating Federal dollars and devote the second year to scrutinizing Federal programs to determine if they are working and deserve continued funding.

Because of annual budgeting, Members of Congress do not have the time we need to conduct careful, thorough reviews of Federal programs, and Federal agency staff are required to dedicate countless hours every year to preparing the budget and to explaining what they do, rather than accomplishing critical missions. As a result, we continue to spend money on projects that are duplicative, sometimes failing, and often no longer useful.

In fact, just last week, the Government Accountability Office released a landmark report on Government duplication and overlap. The report reveals that in as many as 34 different areas across the Federal Government, agencies are offering overlapping services to similar populations.

As we think about how we need to address our debt and deficit, we should begin by eliminating these kinds of duplicative programs. That is the type of reform we should be considering. We should be eliminating duplication and making targeted cuts and investments in our future. We should be making investments in projects such as the Memorial Bridge, which connects New Hampshire and Maine and is a critical economic engine for the seacoast region of New Hampshire and Maine and the shipyard that is so vital to making sure we can upgrade the ships in our Navy.

Even though this bridge has been recognized as a national priority and it enjoys support from the Maine and New Hampshire Senate delegations, the project to replace the bridge has been threatened by ill-considered, reckless cuts in the House of Representatives' continuing resolution. These are the consequences of short-term budgetary thinking: They are penny wise and pound foolish.

In another example we have in New Hampshire, the Bureau of Prisons has recently completed construction of a Federal prison in the north country of New Hampshire in a community called

Berlin. The cost—\$276 million. As the construction was wrapping up, the Bureau of Prisons requested activation funding for fiscal year 2011 to hire rank-and-file officers and begin getting this prison ready to open. But because we are operating on this short-term continuing resolution that fails to account for these types of situations, we now have a state-of-the-art, \$276 million prison that is sitting vacant. We have a warden who is there who is waiting to hire staff. The Bureau of Prisons needs the 1,280 inmate beds this facility will provide. The community needs the \$40 million annual economic impact from this prison and the 340 jobs this facility will provide. But none of these important objectives are being met because our budget process is not working. Instead, the Bureau of Prisons is spending \$4 million a year to maintain an empty building.

As Members of Congress, we are entrusted with the responsibilities of spending taxpayer dollars wisely. Our current budget and spending process makes it all too easy for waste and inefficiency to remain hidden and, at the same time, important priorities are neglected by the whims of a chaotic annual budgeting process. Switching to biennial budgeting will not solve all our problems, but it would certainly be an important step toward greater oversight, increased accountability, and a more responsible government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, first, I thank my colleague from New Hampshire for her great leadership on the subject about which she just spoke; that is, the necessity of moving beyond our old system of having appropriations bills every year. I have advocated, for a long time, exactly what she is taking the lead on; that is, every 2 years do the appropriations and then we can do oversight. As the Senator from New Hampshire correctly pointed out, we don't do oversight because we are always wrapped up in some appropriations measure or budget measure every single year.

It is time we move and move as rapidly as possible to biennial budgeting so we can fulfill one of our most important obligations, which is to find out what is working and what is not working so we can have oversight. I thank my colleague from New Hampshire for her leadership in this area.

I yield the floor.

Mrs. SHAHEEN. I thank Senator HARKIN for his efforts over the years to try to move us to a biennial budget and a process that gets a budget done that makes a lot more sense and allows us to be a lot more thoughtful about how we are supporting programs in our Federal Government.

Mr. HARKIN. Just make sure I am on your bill, OK?

Mrs. SHAHEEN. We will.

Mr. HARKIN. Put my name in because you are right on—and Senator